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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,148	05/13/1999	TETSURO MOTOYAMA	5244-0092-2	9858

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EXAMINER

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2179

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/311,148
Filing Date: May 13, 1999
Appellant(s): MOTOYAMA ET AL.

MAILED

MAY 05 2005

Technology Center 2100

Gregory J. Maier
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/26/05.

(1) ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows: Claims 1, 5-8, 12-15, 19-22 and 26-28 are pending in this application and are on appeal.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The statement of regarding grounds of rejection to be reviewed on appeal is correct.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,566,291	Boulton et al.	10/1996
6,433,802	Ladd	08/2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 5-8, 12-15, 19-22 and 26-28 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 08/26/04.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 12-15, 19-22 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulton et al. [US. 5,566,291] in view of Ladd [US. 6,433,802].

As to claims 1, 8, 15 and 22, Boulton et al. discloses an interface of a target application, the interface comprising a plurality of operations to be selected by a user (column 3, lines 60-67, column 4, lines 15-30 and column 5, lines 36-44); Boulton et al. cites "a user may activate an enter feedback mode

command in a computer environment to provide feedback in a feedback interface. A feedback record is created and the user's context within a product, process, service, or issue to which the feedback refers is recorded in the feedback record" (see abstract), wherein the target application is an image forming device and the interface is an operation panel of the image forming device (column 54, lines 11-20, Boulton et al. shows a system in which a user's selection of operations on an interface of an image forming device, for example a photocopy machine..); a monitoring unit configured to directly monitor user selections of the plurality of operations of the interface by the user (column 4, lines 47-55); and to generate a log of the monitored data, the log indicating the selections of the plurality of operations by the user (Boulton et al. cites "Selected attributes, the time at which the feedback is made, the physical location and identity of the user, and comments by the user are recorded in the feedback record. A feedback visualizer for a reviewer for organizing and presenting user feedback receives feedback from users...The visualizer identifies a reviewer's visualization preferences, which include indications of feedback attributes that the reviewer desires to review" (see abstract); and a communicating device configured to communicate the log of the monitored data to a remote site (column 12, lines 46-56). The difference between Boulton et al. and the claim is the step of automatically upon start-up of the target application without the user directly starting a monitoring program. Ladd shows the limitation at column 5, lines 38-46 and

column 6, lines 40-47. Ladd discloses the step of monitoring the start, progress and completion of a parallel application without taking any action by the user and "the application monitor monitors the user application file and maintains statistics on the user application file". The user does not need to execute the application before monitoring but the system does the part of monitoring by itself. It would have been obvious to one of ordinary skill in the art, having the teachings of Boulton et al. and Ladd before them at the time the invention was made to modify a method of monitoring taught by Boulton et al. to include the step of automatically monitoring user inputs of Ladd, with the motivation being to make it easy for the user by not requiring him to directly execute a specific monitoring program as taught by Ladd.

While Boulton et al. shows the monitoring unit that monitoring user selections of the plurality of operations, Ladd suggests the step of automatically upon start-up of the target application when the system monitors the user inputs.

As to claims 5, 12, 19 and 26, the combination of Boulton et al. and Ladd also teaches the communicating device sending the log of the monitored data when the user exits the target application (Boulton, column 12, lines 47-56).

As to claims 6, 13, 20 and 27, the combination of Boulton et al. and Ladd also shows a setting unit configuring to set a number of sessions of the target application to be executed by the user prior to the communicating device

communicating the log of the monitored data (Boulton, column 3, lines 18-32).

As to claims 7, 14, 21 and 28, Boulton et al. discloses the communicating device communicating the log of the monitored data by Internet mail (column 39, lines 50-65).

(11) *Response to Argument*

Response to Arguments

With respect to claims 1, 8, 15 and 22, Appellant has argued that Boulton "requires a user to input specific typed comments as feedback after entering an enter feedback mode. Such an operation in Boulton is not at all directed to directly monitoring user selections of a plurality of operations of an interface" which contrasts to the claimed features. However, the Examiner relies on Ladd (not Boulton) for the feature of directly monitoring user selections of a plurality of operations of an interface. Appellant also argues that Ladd does not teach or suggest "a monitoring operation without a user starting a monitoring program". However, Ladd teaches the feature of "automatically upon start-up of the target application without the user directly starting a monitoring program" at column 3, lines 34-42, column 5, lines 39-46 and column 6, lines 42-46. In Ladd, the user must establish all the necessary processes through the GUI to begin the monitoring by the application monitor; however, the user only sets up the system initially, but the system then "automatically" executes the monitoring.

In Ladd, all the necessary processes are not processes telling the computer system to start monitoring. These processes are only for setting up the computer system and then the computer system automatically execute the monitoring without user input. The system of Ladd needs to set up initially like other systems. Therefore, it is clear that the monitoring system of Ladd monitors the start, progress, and completion of an application file without

requiring the user to directly execute a specific monitoring program. The user does not need to do anything to tell the system starting the monitoring program when he/she begins his/her selection of operation on the application.

Besides, Applicant has also argued that Ladd does not disclose the monitoring of the user's usage which similar to the monitoring in the claimed invention. Although Ladd does not teach "user's selection of operations on an interface", Ladd teaches "the application monitor monitors the start, progress, and completion of a parallel application". However, the Examiner relies on Boulton for the feature of "user's selection of operations on an interface".

Appellant has argued that "there can not be any incentive or motivation to one of ordinary skill in the art to modify the teachings of Boulton in view of those in Ladd as the teachings in the two different references are completely unrelated". However, The Examiner respectfully disagrees. Boulton fails to clearly teach the feature of "a monitoring operation without a user starting a monitoring program". However, in the same field of monitoring program, Ladd teaches the feature of "a monitoring operation without a user starting a monitoring program". It would have been obvious to one of skill in the art, at the time the invention was made, to combine Ladd's teaching to Boulton for automatically upon start-up of the target application without the user directly starting a monitoring program. Motivation of the combining is to make

Art Unit: 2179

convenient for the user by not requiring him to directly execute a specific monitoring program.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

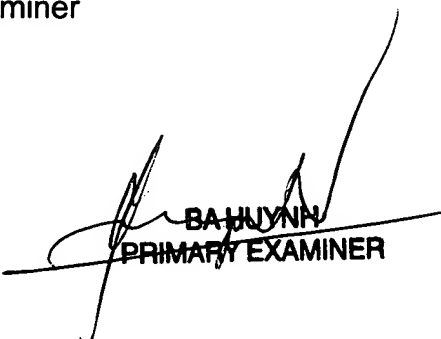
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